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VOL. IV.

TORONTO, JULY 21, 1904.

No. 2

TEETZEL, J.

JULY 9TH, 1904.

CHAMBERS.

RE WILLIAMS v. BRIDGMAN.

County Court—Jurisdiction—Attachment of Debts—Assignment of Moneys Due to Judgment Debtor by Garnishee—Assignee as Claimant—Issue Directed—Amount Involved—Claim for Equitable Relief—Prohibition—Transfer to High Court.

Motion by claimant for prohibition against further proceedings in a garnishee matter pending in the County Court of Elgin under an order of the junior Judge of that Court.

The plaintiff had an unsatisfied judgment against defendant for \$315, obtained in the County Court; and the defendant held a judgment for \$420, upon which it was admitted that there was owing at the time of the attachment \$270 beyond what was sufficient to satisfy solicitors' liens.

The judgment creditor caused an attaching order to be issued on the garnishee, and upon the return of the order one Clary appeared as claimant under an alleged transfer from the judgment debtor.

The judgment creditor desiring to contest this claim, an order was made by the Judge directing an issue in which "the question to be tried shall be whether the money owing by the garnishee was, at the time of the service on the said garnishee of the garnishee order herein on the 19th day of April, 1904, attachable by the above named judgment creditor as against the claim of the said claimant as set forth in his affidavit above named."

Against this order the motion for prohibition was made by the claimant, who also asked in the alternative that the issue should be transferred to the High Court of Justice.